

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAR PALA RA ANAN aka  
MARVELLOUS A. GREENE, SR.

Plaintiff,

No. CIV S- 02-0493 DFL GGH P

vs.

D. KIMBRELL, et al.,

Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's belated July 7, 2005 motion to compel discovery. Plaintiff asks the court to compel a response to discovery requests which he states that he did not serve on defendants until June 9, 2005. Plaintiff does not in any way identify the requests at issue. He does explicitly concede that the requests at issue were untimely but seeks the court's forbearance because, inter alia, he had just been transferred to another prison and he was busy litigating other actions. The date he identifies of his transfer (April 6, 2004) was more than a year before the discovery requests at issue were served.

The December 10, 2003 scheduling order sets the discovery deadline as March 6, 2004. A summary judgment motion was adjudicated in this action before plaintiff served the requests at issue. See March 31, 2005 Order, adopting Findings and Recommendations, filed on

1 January 14, 2005, and granting in part and denying in part defendants' dispositive motion. A  
2 pretrial settlement conference was re-set for May 6, 2005 in the March 31, 2005 Order. A  
3 pretrial order was filed on July 21, 2005.<sup>1</sup>

4 The litigation had extended well beyond the discovery cut-off point when plaintiff  
5 served his untimely requests for discovery, requests he in no way identifies other than to state  
6 that the document sought "shall prove the facts that the writings are all over the wall [sic]." Motion, p. 2. Plaintiff provides no colorable basis whatever for this court to consider his motion,  
7 much less to grant it.

8  
9 Accordingly, IT IS ORDERED that plaintiff's July 7, 2005 motion to compel  
10 discovery is denied as untimely.

11 DATED: 2/22/06

/s/ Gregory G. Hollows

12  
13 GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

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rana0493.ord

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<sup>1</sup> An amended pretrial order, filed on November 8, 2005, following the abortive settlement conference in this matter.